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Queer Wills On Record Here

Courthouse Contains Many Odd Specimens; SolemnDocuments Date Back To City's Youth

"She bequeathed everything she had to her mother, with the provision that, if the mother died first, her property should go to her church."

BALTIMOREANS made their wills with portentous gravity in the old days, if one is to judge by the kind of wills they made. Solemn documents that formed proper preface to the business of dying were the wills of the first people of Lord Baltimore's city.

Their bequests are such as are not made any more in wills; their money was reckoned in pounds and shillings, and they apparently saw nothing at all funny in solemnly bequeathing one's feather bed to one's wife—as if someone else might claim it and turn her out to sleep in the hayloft. Yet so read the terms of the will of Thomas Todd, proved May 30, 1677, before Phillip Calvert:

"To my wife, fower hundred pounds starling now lying in Alderman Booth's hands in London and my feather bed. To my fouer daughters, Ann, Johanna, Frances and Averlen the product of 87 hogsheads of tobacco to be shipped to England, the proceeds of sale to be divided equally among them."

GAVE DAUGHTERS "CHANCE."

Assured that his wife would sleep on warmly in the feather bed while he slept in the grave, the father left his daughters a sporting chance—the fortune apparently depending upon the current price of tobacco. It is to be hoped that a fair price was got for the 87 hogsheads upon which depended the livelihood of Ann, Johanna, Frances and Averlen.

The oldest book of wills in the Courthouse also gives evidence that "more of reverence in us dwelt" in the first century after Maryland was settled than today. Every one is headed with the dignified and solemn announcement, "In the name of God Almighty, Amen." Almost invariably, too, there is a statement of frailty of body, combined with soundness of mind, "for which Almightie God be praised."

One, more devout than the rest, made her first provision, "I do bequeath my soul to God, my only Hope and Redeemer," never considering, perhaps, whether or not the courts of law would see to it that this bequest was fulfilled.

LEFT "HEIFFER" TO DAUGHTER.

But with a good conscience, no doubt, she proceeded to the next clause which was to state that she left "a heiffer named Blackie" to her daughter and the rest of her estate to her son. Whatever the value of the estate and the consequent inequality of fortune resulting to the two children, the daughter got the fatted calf.

Nearly all the wills of this period are signed with the mark of the maker—a letter, cross or some other symbol, bringing strikingly to the mind of the modern observer what a general thing illiteracy was then, when the ability to write one's name was rather an extraordinary accomplishment.

The ejaculation which was the customary beginning of old wills began to fall into disuse in the eighteenth century, and it rarely is to be found in wills of the nineteenth and twentieth. The connection between religion and will making was, however, felt strongly by the maker of that which has the strangest form of any to be found in the Courthouse. It was written in 1885 in a family Bible, one of those ponderous tomes which find no place on the library table of the homes of today, but are relegated to the garret if they have not been otherwise disposed of.

KEPT AS RECORD.

The one containing the will has a very heavy cover, on the raised portion of which are pictured in gilt various miracles of the Old and New Testaments, and broad metal clasps give the volume an even more portentous appearance. There are engraved illustrations to supplement the reader's imagination.

Some blank pages in the middle of the book were provided for recording the three epochal events of existence—birth, marriage and death. But the owner, minimizing the importance of the first two of these, devoted the pages to her will and the deaths of several members of her family.

Being a widow at the time, she bequeathed everything she had to her mother, with the provision that, if the mother died first, her property should go to her church, with the exception of the Bible, which was to go to the pastor then in charge of the church.

IN SPECIAL COMPARTMENT.

As to the Bible, which is certainly a handsome one of its kind, that part of the will could not be carried out. It is necessary to keep the original documents of wills at the Courthouse. Copies of them are made on the books and placed where they can readily be referred to; but whatever they were written upon by the deceased is kept in a vault at the Courthouse. When the vault which is in the present Courthouse was made a special compartment was constructed for this Bible.

Many mystery stories have been built around missing wills. It has been thought an excellent plan to have the villain murder several persons, innocent and otherwise, in order to steal the will and keep the heroine from her millions, only to find that the stolen will is really an old receipt for a dressmaker's bill, and the real will, intact all the time, is found by the amateur detective-hero in the vest pocket of his rival's Sunday suit. Such plots as these have profited by lost wills, if the losers have not.

There are, however, fewer cases of lost property, such as recently came to the attention of Dr. Edwin R. Downes, the Register of Wills. A woman died leaving several brothers and sisters whom she had not seen for a number of years. She had not been satisfied to make her home with any of them, and, rather than spend her last years alone, had gone to a home for aged women.

PROPERTY UNFOUND.

The heirs duly brought the will to be proved in court. It seemed quite an ordinary will, leaving personal property, trinkets of various sorts and some shares in railroad stock of considerable value to different ones of the family.

"Is this will any good?" asked one of the brothers.

It was an unusual question, for there was no apparent illegality about it. "Was your sister in her right mind when she made the will?" he was asked.

He replied that she certainly was, and had given no evidence of insanity the last time he had seen her. The trouble was that no one knew where any of the things she had left were to be found. Jewelry, money, railroad stock—she hadn't taken them to the home with her, and who could tell where they were? The house in which she had formerly lived with other members of her family had been sold.

The brother seemed to think that if the will were "any good" he must benefit by it in some way or other, even though the court could not produce the missing property.

IMPRESSIVE LANGUAGE GONE.

While most of the stilted and impressive language of two centuries ago is left out of modern wills, people generally draw them up under the supervision of a lawyer, who is ready to supply them with the dignity of legal terms. But a will is honored, no matter how it is expressed, if it is authentically the last pronouncement of its maker regarding the disposition of his property. The Courthouse contains many "informal" wills, simple statements written on any piece of paper that happened to be at hand and witnessed.

There came into the Register's office late in 1924 a will written on a single sheet of ruled paper making over a man's property to his mother, who was made executrix of the estate. It was signed by two witnesses, the number necessary to make it valid. But the maker had forgotten to sign it himself!

FORGOT TO SIGN NAME.

He had been careful enough in expressing himself and it was quite clear how he wished his property to be disposed of. But, like the lady who wrote on the back of the envelope, "After five days return to me," he seems to have taken it for granted that everybody would know who he was. Fortunately he had written the will with his own hand and the proof by two persons who had known him that it was his handwriting was sufficient to make the will valid.

Sometimes a person makes two wills—through absent-mindedness or change of mind—and in that case usually the first one is disregarded. But there is one instance to be found on the books here where both wills were recorded and both honored, this being possible because they did not conflict.

The first provided that certain Masonic jewels belonging to the deceased should go to his lodge. He made a second will to bequeath to a certain lady a diamond ring, "which," he goes on to specify, "I am accustomed to wear on the third finger of my left hand."

One will made by two persons is almost as uncommon as two left by one. There are a few joint wills, made by husband and wife, in the Courthouse, proper provision being made for whichever died first.

SHARING THE BURDEN.

"Can you keep a secret?"

"Yes, but if I find it too weighty I'll get several other girls to assist me."—*Louisville Courier-Journal.*

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